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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAMON M. VELEZ, JR.

Appeal 2008-1680
Application 10/747,720
Technology Center 1700

Decided: February 29, 2008

Before BRADLEY R. GARRIS, CHUNG K. PAK, and LINDA M. GAUDETTE, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 11-20. We have jurisdiction under 35 U.S.C. § 6.

We REVERSE.

Appellant claims a method of simultaneously flushing the inner surfaces of a plurality of cavities in each of a plurality of parts such as gas turbine blades. The method comprises: installing a plurality of parts 39, 41,

42 into a holder 33; providing a guide member 43 having a plurality of passages 44, 46-49, 51; providing a manifold 52 opposite the holder 33 with the manifold having a source 67 of high pressure fluid connected thereto and having a plurality of probes 54, 56-59, 61 extending therefrom; advancing the manifold and probes such that the probes pass through the guide member passages and into the internal cavities of the parts to be flushed; and causing high pressure fluid to flow through the probes and into the cavities to flush out any foreign matter that may reside therein (claim 11; Figs. 1-2).

Representative independent claim 11 reads as follows:

11. A method of simultaneously flushing the inner surfaces of a plurality of cavities in each of a plurality of parts comprising the steps of:

installing a plurality of parts into a holder in spaced apart relationship in a first plane, with each part having at least a pair of openings and associated internal cavities spaced apart in a plane other than said first plane;

providing a guide member near said part openings said guide member having a plurality of passages formed therein, including adjacent passages that are in a common plane parallel to said first plane and including adjacent passages that are in a common plane other than said first plane and wherein each of said passages has an axis aligned in coincidence with a respective part opening;

providing a manifold opposite said holder with said manifold having a source of high pressure fluid connected thereto and having a plurality of probes extending therefrom with each of said passages having an axis aligned coincident with a respective probe tube axis;

advancing said manifold and said plurality of probes along the axes of said probes such that said probes pass through the respective passages and into respective internal cavities; and

causing high pressure fluid to flow through said probes and into said cavities to flush out any foreign matter that may reside on the inner surfaces thereof.

The references set forth below are relied upon by the Examiner as evidence of obviousness:

Swanick	1,492,905	May 6, 1924
Kenton	5,464,479	Nov. 7, 1995
Buongiorno	5,679,174	Oct. 21, 1997

All appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buongiorno in combination with Swanick or Kenton.

The Examiner finds that "[t]he [Biongiorno] reference discloses all limitations with the exception of installing a plurality of parts into a holder, providing a guide member, and providing a manifold as claimed" (Ans. 3-4). The Examiner relies on Swanick or Kenton to supply these aspects of the claim 11 method and concludes that "[i]t would have been obvious for one skilled in the art to use the multiple dispensing means taught by Swanick or Kenton … in the Buongiorno process for the purpose of treating multiple components simultaneously to reduce the treatment time and to increase the process efficiency" (Ans. 4).

The deficiency of the Examiner's obviousness conclusion is that it fails to account for all of the claim features the Examiner acknowledges are missing from Buongiorno. For example, the above-quoted conclusion does not specifically address the conceded failure of Buongiorno to disclose the

claim 11 step of providing a manifold having a plurality of probes extending therefrom whereby the manifold and probes are advanced such that the probes pass into the internal cavities of the parts to be flushed. This deficiency of the Examiner's obviousness conclusion is fatal to the rejection because, as correctly argued by Appellant (App. Br. 6-7; Reply Br. 2-3), neither Swanick nor Kenton contains any teaching or suggestion of this claim 11 requirement. Moreover, it is significant that the Appellant's aforementioned argument has not been rebutted by the Examiner (Ans. 5).

Under these circumstances, the Examiner has failed to establish a prima facie case of obviousness with respect to the method defined by independent claim 11. We cannot sustain, therefore, the § 103 rejection of claim 11 or of claims 2-20 which depend therefrom as being unpatentable over Buongiorno in combination with Swanick or Kenton.

The decision of the Examiner is reversed.

REVERSED

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